

**Calendar No. 307**

105TH CONGRESS }  
2d Session }

SENATE

{ REPORT  
105-161 }

SUMMER BREEZE

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R E P O R T

OF THE

COMMITTEE ON COMMERCE, SCIENCE, AND  
TRANSPORTATION

ON

S. 1248



FEBRUARY 12, 1998.—Ordered to be printed

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SENATE COMMITTEE ON COMMERCE, SCIENCE, AND TRANSPORTATION

ONE HUNDRED FIFTH CONGRESS

SECOND SESSION

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### SUMMER BREEZE

FEBRUARY 12, 1998.—Ordered to be printed

Mr. MCCAIN, from the Committee on Commerce, Science, and  
Transportation, submitted the following

### REPORT

[To accompany S. 1248]

The Committee on Commerce, Science, and Transportation, to which was referred the bill (S. 1248) “A Bill to authorize the Secretary of Transportation to issue a certificate of documentation with appropriate endorsement for employment in the coastwise trade for the vessel *Summer Breeze*”, having considered the same, reports favorably thereon without amendment and recommends that the bill do pass.

#### PURPOSE OF THE BILL

S. 1248, as reported, grants coastwise trading privileges to the vessel *Summer Breeze*.

#### BACKGROUND AND NEEDS

Subject to certain limited exceptions, the law known as the Jones Act (section 27 of the Merchant Marine Act, 1920 (46 U.S.C. App. 883)), section 8 of the Act of June 19, 1886 (46 U.S.C. App. 289), and sections 12106 and 12108 of title 46, United States Code, provide that only those vessels built in the United States, continuously documented under the laws of the United States and continuously owned by United States citizens may transport merchandise or passengers in the coastwise trade, or engage in the fisheries, of the United States.

Where the facts applicable to a particular vessel suggest the United States-built or United States-owned requirements have not been satisfied, the Coast Guard may not issue a document granting coastwise trading or fisheries privileges for that vessel unless the requirements of the Jones Act and title 46 are statutorily waived.

The vessel, U.S. official number 552808, is a 43-foot motor vessel that was constructed in Japan in 1972. It is owned by Mr. Robert W. Hogan of Bellevue, Washington. The vessel's owner intends to use it for charters out of Seattle, Washington. The vessel would carry 12 or more passengers for hire.

Because the vessel is partially foreign-built, the owner has not been able to obtain coastwise trade privileges for the *Summer Breeze*. Therefore, the owner is seeking a statutory waiver of the coastwise trade laws for the vessel.

#### LEGISLATIVE HISTORY

S. 1248 was introduced in the Senate on October 3, 1997, by Senator Murray. In open executive session on November 4, 1997, the Committee considered S. 1248, and ordered the legislation reported favorably without objection and without amendment.

#### ESTIMATED COSTS

In accordance with paragraph 11(a) of rule XXVI of the Standing Rules of the Senate and section 403 of the Congressional Budget Act of 1974, the Committee provides the following cost estimate, prepared by the Congressional Budget Office:

U.S. CONGRESS,  
CONGRESSIONAL BUDGET OFFICE,  
*Washington, DC, November 7, 1997.*

Hon. JOHN MCCAIN,  
*Chairman, Committee on Commerce, Science, and Transportation,  
U.S. Senate, Washington, DC.*

DEAR MR. CHAIRMAN: The Congressional Budget Office has reviewed S. 1248, a bill to authorize the Secretary of Transportation to issue a certificate of documentation with appropriate endorsement for employment in the coastwise trade for the vessel *Summer Breeze*. S. 1248 was ordered reported by the Senate Committee on Commerce, Science, and Transportation on November 4, 1997.

CBO estimates that enacting S. 1248 would have no significant impact on the federal budget. Because the bill would not affect direct spending or receipts, pay-as-you-go procedures would not apply. S. 1248 contains no intergovernmental or private-sector mandates as defined in the Unfunded Mandates Reform Act of 1995 and would not affect the budgets of state, local, or tribal governments.

If you wish further details on this estimate, we will be pleased to provide them. The CBO staff contact is Deborah Reis.

Sincerely,

JUNE E. O'NEILL, *Director.*

#### REGULATORY IMPACT STATEMENT

In accordance with paragraph 11(b) of rule XXVI of the Standing Rules of the Senate, the Committee provides the following evaluation of the regulatory impact of the legislation, as reported.

Because S. 1248 does not create any new programs, the legislation will have no additional regulatory impact, and will result in no additional reporting requirements. The legislation will have no

further effect on the number or types of individuals and businesses regulated, the economic impact of such regulation, the personal privacy of affected individuals, or the paperwork required from such individuals and businesses.

#### SECTION-BY-SECTION ANALYSIS

The bill consists of one section. It provides that, notwithstanding sections 12106 and 12108 of title 46, United States Code, section 8 of the Act of June 19, 1886 (46 U.S.C. App. 289), and section 27 of the Merchant Marine Act, 1920 (46 U.S.C. App. 883), the vessel *Summer Breeze*, United States official number 552808, is eligible to engage in the coastwise trade and the Secretary of Transportation may issue a certificate of documentation for such vessel.

#### CHANGES IN EXISTING LAW

In compliance with paragraph 12 of rule XXVI of the Standing Rules of the Senate, the Committee states that the bill as reported would make no change to existing law.

